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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,610	08/05/2003	Clark W. Conrad	33692.03.1644	6604

23418 7590 06/29/2006

VEDDER PRICE KAUFMAN & KAMMHOLZ  
222 N. LASALLE STREET  
CHICAGO, IL 60601

EXAMINER

NGUYEN, PATRICIA T

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,610

Applicant(s)

CONRAD ET AL.

Examiner

Patricia T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-14, and 18-22 are rejected under 35 U.S.C. 102b as being anticipated by Adar, U.S. Patent # 5,774,017.

Fig. 8 of Adar discloses a circuit comprising: amplifiers 304, 306, 308 can be read as a scalable power amplifier as well as a plurality of selectively activated amplifier elements; impedance networks 330, 332 can be read as a variable impedance circuit; control circuit 350, bias control circuit 352 can be read as an amplifier configuration circuit; power level when amplifier 304 is activated can be read as first power output level; power level when amplifiers 304, 306, 308 is activated can be read as second power output level; VD can be read as a first reference potential; switch 316 can be read as an RF input switch.

Claims 1-4, 6, 12-14, 18-22 are rejected under 35 U.S.C. 102b as being anticipated by Fujita, U.S. Patent # 6,215,987 B1.

Fig. 9 of Fujita discloses a circuit comprising: amplifiers 1, 2, 3, 4 can be read as a scalable power amplifier wherein amplifiers 3 and 4 can be read as a plurality of selectively activated amplifier elements; impedances at Sout and Sout' through

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matching circuit 32 can be read as a variable impedance circuit; control 9", AGC control circuit 7a, power source 11, voltage control 26, bias control 24, 25 can be read as an amplifier configuration circuit; power level when only one amplifier element is activated can be read as first power output level; power level when all amplifier elements are activated can be read as second power output level; switch 21 can be read as an RF input switch.

Claims 1, 6, 18, and 21 are rejected under 35 U.S.C. 102b as being anticipated by Bartlett et al., U.S. Patent # 5,834,975.

Fig. 3 of Bartlett et al. discloses a circuit comprising: amplifier 25 can be read as a scalable power amplifier as well as a plurality of selectively activated amplifier elements; impedance networks 24 can be read as a variable impedance circuit; control device 27 can be read as an amplifier configuration circuit; power level when one of amplifiers in amplifier 25 is activated can be read as first power output level; power level when two or more of amplifiers in amplifier 25 are activated can be read as second power output level.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita, U.S. Patent # 6,215,987 B1 or over Adar, U.S. Patent # 5,774,017.

Regarding claim 5, although neither Fujita nor Adar shows his matching circuit having at least one of resistive and reactive elements, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the matching circuit having at least one of resistive and reactive elements since this is a well known way to design a matching circuit in the art and this is a matter of design choice.

Regarding claim 15, although neither Fujita nor Adar show an antenna, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to connect to output of the amplifier to an antenna to transmit the output signal in order to have a practical use for the amplifier.

Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartlett et al., U.S. Patent # 5,834,975.

Regarding claim 5, although Bartlett et al. does not show his matching circuit having at least one of resistive and reactive elements, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the matching circuit having at least one of resistive and reactive elements since this is a well known way to design a matching circuit in the art and this is a matter of design choice.

Regarding claim 15, although Bartlett et al. does not show an antenna, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to connect to output of the amplifier to an antenna to transmit the output signal in order to have a practical use for the amplifier.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent # 6,794,935 B2 and # 6,122,488 contain some limitations of the claimed invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia T. Nguyen whose telephone number is (571) 272-1768. The examiner can normally be reached on 6:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 571-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTN

June 24, 2006



**PATRICIA NGUYEN**  
**PRIMARY EXAMINER**